THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO.17963 OF 2007

Date: 23-08-2007

Between:

M/s Shivani Alloy Steel Castings Ltd … Petitioner

And

The Additional Commissioner (CT)
And three others … Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO.17963 OF 2007

O R D E R *(Per the Hon'ble Sri Justice Bilal Nazki):*

Heard learned counsel for the parties and with their consent, the writ petition is being disposed of at this stage.

The petitioner is aggrieved of a garnishee notice issued on 09-08-2007, on the ground that his appeal is pending before the Appellate Deputy Commissioner-second respondent and the application for grant of stay is also pending before the Additional Commissioner-first respondent. Neither the appeal nor the application for stay has been decided so far, but the respondents are proceeding with the recovery.

We feel that the interest of justice would be met if the recourse to recovery is stayed till the disposal of the appeal subject to payment of 50% of the disputed tax. The Writ Petition is accordingly disposed of directing that there shall be stay of recovery till the disposal of the appeal subject to payment of 50% of the disputed tax by the petitioner within a period of four weeks from today. The amounts already paid by the petitioner towards the disputed tax shall be given credit to. The garnishee notice dated 09-08-2007 is accordingly quashed. However, if the amounts are not deposited within the period of four weeks as stipulated hereinabove, the Department shall be at liberty to take recourse to law. No order as to costs.

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Bilal Nazki, J

Dated 23rd August, 2007

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S.Ananda Reddy, J

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Note: Issue wire at party's cost
(b/o)
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